

Application No. 10/077,436

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### REMARKS

Claims 1-31 were examined and rejected. Applicants respectfully request reconsideration of pending claims 1-31 in view of at least the following remarks.

#### I. 35 U.S.C. §102

The Patent Office rejects claims 1-31 under 35 U.S.C. §102 (e) as being anticipated by U. S. Patent No. 6,511,236 to Webjorn et al. ("Webjorn"). The Patent Office states that Webjorn discloses a package including the details of flexures and other limitations that Applicants have claimed, and that the method steps are inherent in the product structure.

Applicants respectfully disagree with the rejection above and submit that independent claims 1, 19, 20, and 22 are allowable for at least the reason that Webjorn does not describe a plurality of flexures attached to one or more surfaces in accordance with Applicants' independent claims noted above. It is axiomatic that to be anticipated, every element of the independent claims listed above must be disclosed within a single reference. Webjorn describes fine positioning of optical components using a single flexure assembly.

However, the Patent Office has not identified and the Applicants have been unable to find any description in Webjorn of a plurality of flexures attached to one or more surfaces, such that optical elements are optically aligned. According to the independent claims listed above, for example, a first flexure and a second flexure may be attached to a planar surface to align a plurality of optical elements. Hence, Applicants respectfully request that the Patent Office withdraw the rejection of independent claims 1, 19, 20, and 22 under 35 U.S.C. §102 (e) as being anticipated by Webjorn.

Applicants submit that dependent claims 2-18 and 23-31 being dependent upon allowable base claims 1, 19, 20, and 22 are patentable over the cited reference for at least the reasons explained above. Thus, Applicants respectfully request that the Patent

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Office withdraw the rejection of dependent claims 2-18 and 23-31 under 35 U.S.C. §102 (e) as being unpatentable over Webjorn.

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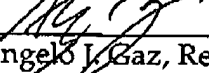
CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the application forward to allowance, the Patent Office is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: November 11, 2003By:   
Angelo J. Gaz, Reg. No. 45,907

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on November 11, 2003.

  
Jean Svoboda